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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/824,105

04/03/2001

Antoon Walter Waldeyer

WALD3001/JEK

9304

7590

10/12/2006

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EXAMINER

JANVIER, JEAN D

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,105

Applicant(s)

WALDEYER, ANTOON WALTER

Examiner

Jean Janvier

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3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 4-17 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response To Applicant's amendments

The Examiner approves the amended abstract. However, the Examiner cannot locate the amended title referred to by the Applicant in the present response. Thus, Applicant is herein being encouraged to submit a replacement title.

Response To Applicant's Arguments

Applicant's arguments with respect to the claimed invention have been considered, but are moot in view of the new ground(s) of rejection. In other words, the present action represents a valid response to the Applicant's remarks.

Detailed Action

Specification

The title of the invention is not descriptive so as to help one having ordinary skill in the art understand the nature of the subject matter. A new title is required that is clearly indicative of the invention to which the claims are directed. The title of the invention should be placed at the top of the first page of the specification (ca. 15 lines). See 37 CFR 1.72.

Claim Status

Claims 1-17 were originally presented in the Application. Claims 1-3 were elected, with traverse, for prosecution on the merits. Claims 4-17 are herein being withdrawn from further

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consideration pursuant to 37 CFR 1.142. Thus, claims 1-3 **and newly added claim 18** are herein being examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 (including dependent claims 2,3 and 18) is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Upon reviewing the specification, while trying to understand the metes and bounds of the claim, it appears that it does not support a process wherein a caller or a user of a cell phone (call originator) places a call to a receiver or called party via a telecommunication service (service provider) or data processing entity, which agrees to charge a price, consisting of an operational cost (standard cost) and an action -specific amount, to the call originator **and wherein the action -specific amount is donated or forwarded to the receiver of the incoming call**. Here, the specification, at large, does not show how a cell user/call originator (John Doe) places a call to a receiver or call recipient (his buddy Mike Smith) and the incoming call receiver receives an action-specific amount (surcharge) charged, by the service provider or processing entity, to the caller or call originator, issuing the incoming call to his buddy Mike Smith, in addition to the

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standard or operational cost. Further, there is no incentive for providing the action-specific amount to the receiver for accepting the incoming phone call from the caller/call originator.

Finally, this becomes more confusing if the receiver happens to be a charity.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 1 (including dependent claims 2,3 and 18) is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter, which applicant(s) regard as their invention.

Although claim 1 recites in the preamble a “method of raising funds by using existing communication means”, however, the body of the claim never explicitly refers back to any “fund-raising method”. In other words, the goal or the purpose introduced in the preamble has not been achieved. Thus, the claim is said to be indefinite and/or confusing.

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

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09/28/06

JDJ

Jean D. Janvier

Patent Examiner

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JEAN D. JANVIER
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Jean D. Janvier", written over the printed name and title.